

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

COBBLESTONE WIRELESS, LLC,

*Plaintiff,*

v.

SAMSUNG ELECTRONIC CO., LTD and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

*Defendants.*

Case No. 2:23-cv-00285-JRG-RSP

**JURY TRIAL DEMANDED**

**SAMSUNG’S UNOPPOSED MOTION FOR LEAVE  
TO AMEND INVALIDITY CONTENTIONS**

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Defendants” or “Samsung”) seek leave, per Local Patent Rule 3-6(b), to amend their Invalidity Contentions for good cause. Cobblestone Wireless LLC (“Cobblestone”) does not oppose this request.

A party may amend or supplement invalidity contentions “by order of the Court, which shall be entered only upon a showing of good cause.” P.R. 3-6(b). Courts in this district generally consider the following factors when determining good cause: “(1) the explanation for the party’s failure to meet the deadline, (2) the importance of what the Court is excluding, (3) the potential prejudice if the Court allows that thing that would be excluded, and (4) the availability of a continuance to cure such prejudice.” *Garrity Power Servs. LLC v. Samsung Elecs. Co. Ltd. et al.*, No. 2:20-CV-269-JRG, 2021 WL 4894262, at \*1 (E.D. Tex. Oct. 19, 2021) (citing *Keranos, LLC v. Silicon Storage Tech., Inc.*, 797 F.3d 1025, 1035 (Fed. Cir. 2015)).

On June 18, 2024, Samsung served amended invalidity contentions on Cobblestone adding prior art references, and asked Cobblestone whether it would oppose Samsung’s motion

for leave to amend. After meeting and conferring, Cobblestone indicated on July 11, 2024 that it does not oppose Samsung's amendments.

Good cause exists for Samsung to amend its invalidity contentions. Samsung's amendments only seek to add prior art references in petitions for *inter partes* review and an application for ex parte reexamination that were filed against the '802 patent, and that Samsung had not identified prior to the deadline to submit invalidity contentions in this case despite diligent efforts. *See* Exs. A-M. The amendment is important because it is relevant to the invalidity of all asserted claims of the '802 patent. Additionally, the amendment is not cumulative because it contains art related to different technology fields. *See, e.g.,* Ex. L and M (relating to Wi-Fi standards instead of mobile telecommunications standards). Cobblestone would not be prejudiced because it has already been put on notice of this art, all of which are from post grant filings:

- IPR2024-00606 (Cobblestone filed its Patent Owner's Preliminary Response on June 14, 2024)
- IPR2024-00707 (Cobblestone filed its Patent Owner's Preliminary Response on June 27, 2024), and
- Ex Parte Reexamination Application No. 90/019,458 (filed March 27, 2024 and instituted on June 13, 2024).

Additionally, the case is still early in discovery. The deadline for fact discovery is set to end in five months (November 22, 2024), and the case is well in advance of claim construction briefing (opening brief due on October 2, 2024). Dkt. 38-1 and 39. Because there is plenty of time in the case schedule and because Cobblestone is not prejudiced, a continuance would not be necessary. Accordingly, Samsung respectfully submits that the good-cause standard of Local Rule P.R. 3-6(b) is satisfied and move for leave of Court to amend the invalidity contentions.

Dated: July 11, 2024

Respectfully submitted,

By: /s/ Sean Pak

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*Counsel for Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certifies that a true and correct copy of the above and foregoing document has been sent to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Melissa R. Smith

Melissa R. Smith

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel for Defendants met and conferred with counsel for Plaintiff. Counsel for Plaintiff indicated that it is unopposed to this motion.

/s/ Melissa R. Smith

Melissa R. Smith